

## APPLICATION FOR A VARIANCE

To: Zoning Board of Adjustment, Town of New London, 375 Main Street

Name of owner/applicant: Giguere, Marc-Andre & Gibbs, Michelle

Mailing Address: 92 De Vere Gdns, Toronto State: ON Zip: M5M 3G2

Home Telephone: 917-445-4504 Work Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: Gibbsm158@Gmail.com

Owner of property: Same

(if same as applicant, write "same")

Location of property 61 Lighthouse View Rd. New London, NH 03255

Tax Map Number: 126

Lot Number: 008

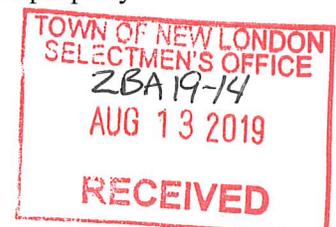
Zone: R2

**A variance is requested from the provisions of Article: V Section: C of the Zoning Ordinance, Side Yard Setback of an aggregate of 50 feet with a minimum of 20-feet from any one side property line, to permit: A 10 foot side setback in order to replace the existing garage and construct a new garage with a smaller footprint. The purpose of the reduction is to correct a found property line infringement. There will be a reduction in square footage within the side setback making the building more nearly conforming. The existing garages roof overhangs the property line by 1 foot. The proposed garage roof will have a setback of 10 feet. The new building footprint proposed will be 24'X28' with 1' roof overhangs on the sides and a 1.5' overhang on the front and back.**

### Facts supporting this request:

1. **The variance will not be contrary to the public interest:**

The alteration of the existing garage (estimated year built: 1994) on this 0.9 acre lot represents a minor change within the side setback. The current owner purchased the property and completed a certified boundary survey. As a result, the proposed garage was found to be overhanging the property line by 1 foot, encroaching on the abutter's property. Property records at the Town indicate that a zoning variance had been obtained prior to the existing garage construction. This variance allowed the garage structure to be within 10 feet of the side property



line. The previous 1994 variance application was submitted with a “hand sketch” of the assumed property line and proposed garage. It is our understanding that the existing garage was constructed without accurate knowledge of the property line location and was constructed in error at the time. The existing garage is now 25 years old. The new owners would like to reconstruct this garage and bring the structure into agreement with the previous 1994 variance. The alteration of this structure will reduce the size of the garage within the side setback and benefit the public interest.

There will be a reduction of the overall impervious area on the property as a result of this modification.

**2. The spirit of the ordinance is observed:**

Due to the requirements of Article XX, Section B.5.b.ii of the Zoning Ordinance, a voluntarily replaced legal non-conforming structures must conform to current regulations or be approved by the Zoning Board. In this case, the proposed garage still falls within the side setback and will require relief from Article V. This zoning district requires a 20 foot minimum side setback (aggregate of 50). Fully conforming to the side setback will negatively alter the current layout of the property.

The garage would crowd the driveway making it more difficult to maneuver and reduce potential access by fire apparatus. There would also be an increase in the disturbance to the site and potentially result in ledge blasting or large boulder removal. Fully complying with the side setback would reduce the buffer of trees and other vegetation between the house and roadway creating a negative impact on the protective shoreland buffer and a privacy concern. A new garage location would result in a driveway re-design which could affect the current approved septic system placement. There would also be negative impacts to stormwater management and drainage onsite and reduce the area available for snow storage and winter maintenance. As an alternative, the Owner proposes to improve the current situation and make reductions to the non-conformity. The proposed garage placement is ideal and will reduce impervious area within 250 feet of the lake, reduce building area within the side yard and will be more nearly conforming. The new garage will also correct a property line infringement issue.

The proposed garage has been designed to protect the lake from stormwater runoff. Engineered stone drip-edges are proposed along the rooflines to promote infiltration and provide storage. These stormwater management practices will benefit water quality and be an improvement to the existing garage conditions. Temporary erosion control silt fences will be installed down slope of disturbed areas. The area of impact for this project is less than if the structure were made to fully conform. Based on the proposed plans, there will be limited impact to the abutters or Lake. The lot is already developed and this minor change will be easily accommodated.



**3. Substantial justice is done:**

What the owner is requesting is reasonable and modest. The design makes the subject structure more nearly conforming and will now meet the original dimensional relief approved in 1994. The current garage encroaches on the neighbor's property. The proposed garage corrects this issue while also reducing the square footage of structure in the side yard. Granting this variance benefits not only the landowner but also the neighboring property and the Town.

**4. The values of surrounding properties are not diminished; and:**

The new garage will now be entirely within the property boundaries. The garage will be setback further from the property line making the structure more nearly conforming in both linear foot separation and square footage. The reconstruction of the existing garage will increase the value of the subject property, which in turn will improve the value of other neighborhood homes.

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

**A. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:**

- (1) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property;**

The current garage encroaches on the neighbor's property. This fact was not known at the time of purchase and was discovered when the current Owner had a certified boundary survey completed. The Owner would like to re-build the garage in order to meet the dimensional relief that was granted to the property back in 1994. The proposed garage will be a smaller footprint than the original garage in order to correct this issue. The proposed design is an improvement from existing conditions for the abutter, Town and the property owner. It is a hardship to suggest that the proposed garage be completely repositioned within the side setback because this would reduce driveway access, most importantly, maneuverability as mentioned above. The proposed location is the most logical position for the new garage. This location will create very little additional disturbance area in the protected shoreland zone. The owner does not want to increase the impervious coverage on the lot or relocate existing drainage conveyance structures onsite.

The location of the septic system is dictated by the 75 foot protective well radii for water quality protection. If the garage is crowded onto the property, further adjustments to the driveway may result in conflicts with the leach field area requiring an H-20 load rated field and substantial increase in cost/re-work. This request is a reasonable one in that this request is just a re-confirmation of a 10' sideyard setback that was granted for the property and the same argument and reasoning still apply today. Leaving the



existing garage to remain as-is would be the least beneficial scenario for the Town and abutter. There is a potential to improve the structure, correct the property line infringement, reduce lot coverage, and make the structure more nearly conforming.

(2) **The proposed use is a reasonable one;**

The proposed use is equivalent to the existing use, however it makes the structure more nearly conforming. The garage will now be constructed where it should have been constructed 25 years ago.

- B. **If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.**

We have the opportunity to improve the existing non-conforming garage. The current constraints of the lot prevent the garage from fully conforming due to access limitations, existing utilities, and the fixed location of the septic system. The current use is a reasonable one, and granting this request will allow this use to be continued.

Owner/applicant(s) Signature:  Date: 8/12/19

**NOTE:**

This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.

For questions or assistance in completing these forms, please contact:

Zoning Administrator

603-526-1246

Email: [zoning@nl-nh.com](mailto:zoning@nl-nh.com)

Or

Assessing Coordinator

603-526-1243

Email: [landuse@nl-nh.com](mailto:landuse@nl-nh.com)



CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT			
GIGUERE MARC-ANDRE GIBBS MICHELLE L 21 LAKEWOOD MANOR RD  NEWBURY, NH 03255 Additional Owners:		4 Rolling	5 Well	1 Paved	7 Waterfront	Description	Code	Appraised Value	Assessed Value
			6 Septic			RESIDNTL	1013	183,500	183,500
						RES LAND	1013	1,422,220	1,422,200
						RESIDNTL	1013	18,800	18,800
<b>SUPPLEMENTAL DATA</b>									
Other ID: 00126 00006 00000		Septic Infor							
ZONE		MP							
UTILITY		WF 132							
Ward		CONSERVA1							
Prec.									
ROADFF									
GIS ID: 126-008-000		ASSOC PID#							
						<b>Total</b>		1,624,520	1,624,500

2119  
NEW LONDON, NH

**VISION**

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)								
GIGUERE MARC-ANDRE		3589/1911	03/30/2018	Q	I	1,851,000	00	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
CRUICKSHANK IRENE FAMILY STATE QTIP TRST		3240/ 157	02/01/2011	U	I		1U	2019	1013	183,500	2018	1013	161,200	2018	1013	161,200
CRUICKSHANK IRENE B LIVING TRUST		737/ 428	09/08/2010	U	I		1V	2019	1013	1,422,200	2018	1013	1,422,600	2018	1013	1,422,600
CRUICKSHANK ALEXANDER& IRENE LIVING TRST		3157/ 961	09/30/2009	U	I		1U	2019	1013	18,800	2018	1013	21,200	2018	1013	21,200
CRUICKSHANK ALEXANDER & IRENE						0										
						<b>Total:</b>		1,624,500		<b>Total:</b>		1,605,000		<b>Total:</b>		1,605,000

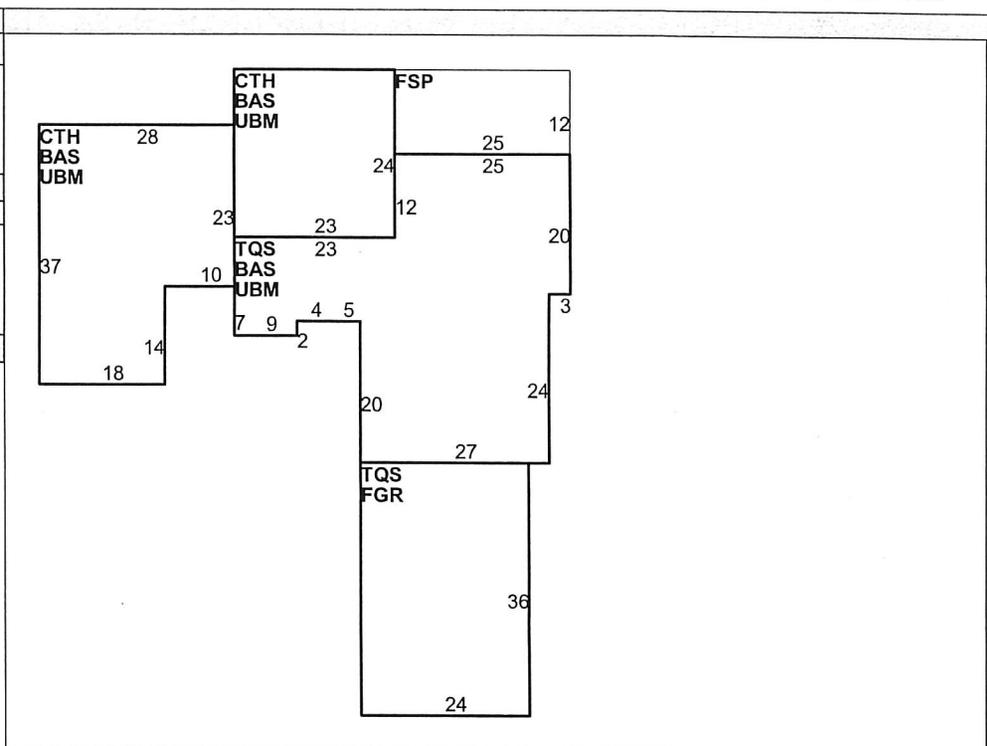
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor				
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.				
							0	0				
							0	0				
							0	0				
							0	0				
<b>Total:</b>												

ASSESSING NEIGHBORHOOD					APPRAISED VALUE SUMMARY	
NBHD/ SUB	NBHD Name	Street Index Name	Tracing	Batch	Appraised Bldg. Value (Card)	183,500
4/A					Appraised XF (B) Value (Bldg)	0
					Appraised OB (L) Value (Bldg)	18,800
					Appraised Land Value (Bldg)	1,422,220
					Special Land Value	0
					Total Appraised Parcel Value	1,624,520
					Valuation Method:	C
					Adjustment:	0
					<b>Net Total Appraised Parcel Value</b>	<b>1,624,520</b>

BUILDING PERMIT RECORD									VISIT/ CHANGE HISTORY					
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result
18-097	10/31/2018	NC	NEW CONSTRUCTIO	1,200,000	03/14/2019	15		NEWSFR	03/14/2019			KM	BP	BUILDING PERMIT
18-103	10/31/2018	DE	DEMO	0	03/14/2019	100	04/01/2019	DEMOEXISTING HOM	02/27/2019			KM	AC	ADMIN DATA ENTRY
01	10/18/2018	DW	DRIVEWAY	0	03/14/2019	100	04/01/2019	residence	12/31/2018			CL	LC	LAND CHANGE
									08/06/2015			RE	M	MEASURE
									08/31/2014			NB	FR	IN FIELD REVIEW

LAND LINE VALUATION SECTION																				
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value	
1	1013	SFR WATER	R2		133		39,204	SF	2.16	1.6000	8	1.0000	0.95	4	13.00	-5%WFF/	SE2	.85	42.68	1,422,220
<b>Total Card Land Units:</b>							0.90	AC	<b>Parcel Total Land Area:</b>			0.9 AC					<b>Total Land Value:</b>		1,422,220	

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	07		Modern/Contemp				
Model	01		Residential				
Design/Appeal	14		Very Good +40				
Stories	2		2 Stories				
Occupancy	1						
Exterior Wall 1	14		Wood Shingle				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	05		Drywall/Sheet				
Interior Wall 2	05		Drywall/Sheet				
Interior Flr 1	12		Hardwood				
Interior Flr 2	11		Ceram Clay Til				
Heat Fuel	03		Gas				
Heat Type	08		Radiant				
AC Type	01		None				
Total Bedrooms	04		4 Bedrooms				
Total Bthrms	4						
Total Half Baths	1						
Total Xtra Fixtrs							
Total Rooms	9						
Bath Style	02		Average				
Kitchen Style	02		Average				
				<b>MIXED USE</b>			
				<b>COST/MARKET VALUATION</b>			
				Adj. Base Rate:	220.98		
					1,223,323		
				Net Other Adj:	0.00		
				Replace Cost	1,223,323		
				AYB	2019		
				EYB	2014		
				Dep Code	A		
				Remodel Rating			
				Year Remodeled			
				Dep %	1		
				Functional Obslnc			
				External Obslnc	0		
				Cost Trend Factor	1		
				Condition	UC		
				% Complete	15		
				Overall % Cond	15		
				Apprais Val	183,500		
				Dep % Ovr	0		
				Dep Ovr Comment			
				Misc Imp Ovr	0		
				Misc Imp Ovr Comment			
				Cost to Cure Ovr	0		
				Cost to Cure Ovr Comment			



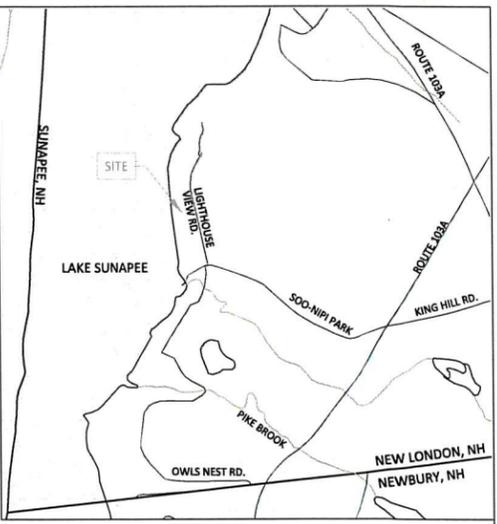
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)											
Code	Description	Comment	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value
RPV3	RES PAV LARI		L	1	3,000.00	2003		0		50	1,500
FGR4	W/LOFT-AVG	24X32	L	768	30.00	2003		0		75	17,300
FPL3	2 STORY CHIM		B	1	4,000.00	2014		1		0	0

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value
BAS	First Floor	2,870	2,870	2,870		634,201
CTH	Cathedral ceiling	0	1,448	0		0
FGR	Attached Garage	0	864	302		66,735
FSP	Screened Porch	0	300	75		16,573
TQS	Three Quarter Story	1,715	2,286	1,715		378,974
UBM	Unfinished Basement	0	2,870	574		126,840
<b>Ttl. Gross Liv/Lease Area:</b>		<b>4,585</b>	<b>10,638</b>	<b>5,536</b>		<b>1,223,323</b>



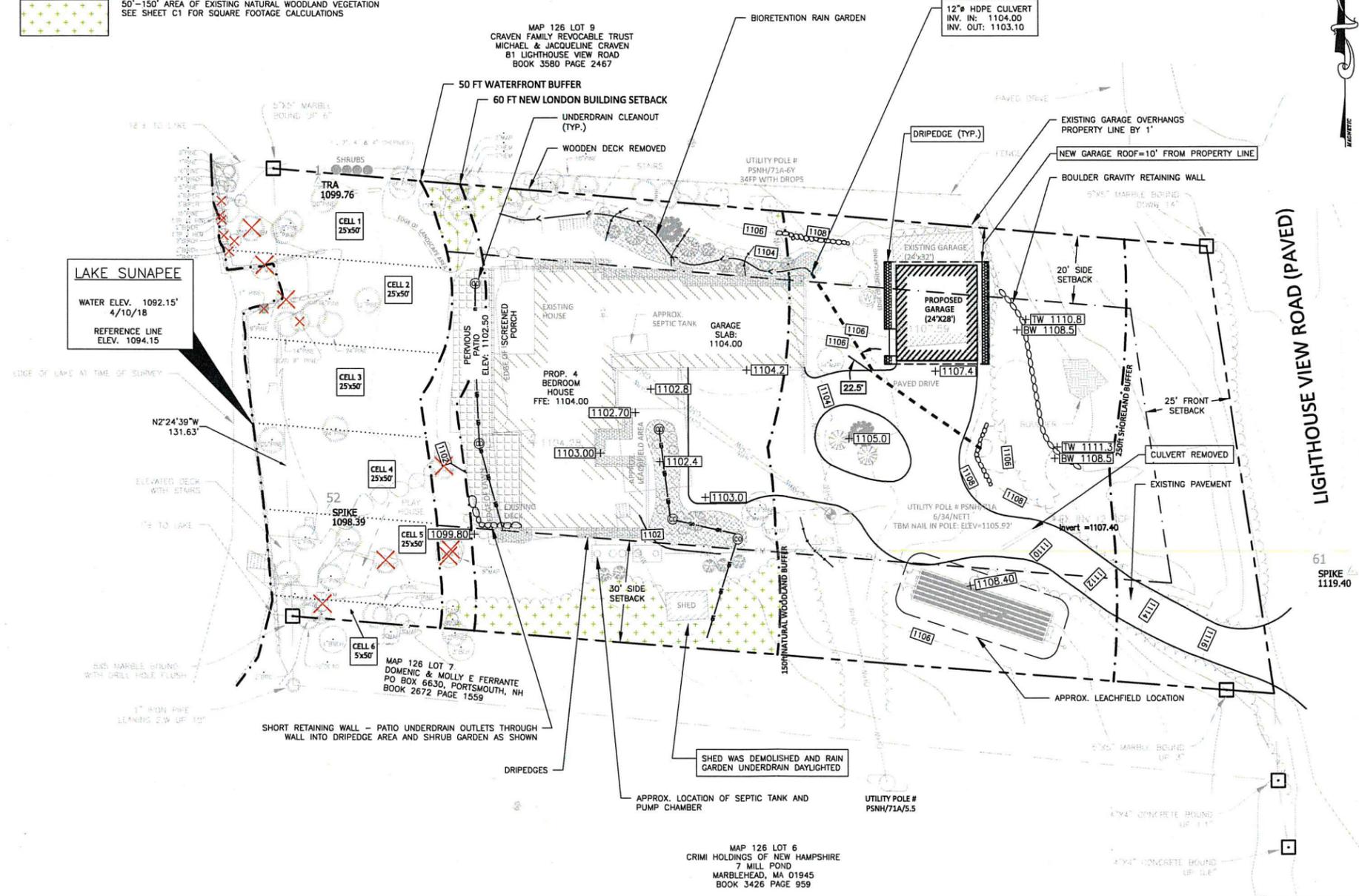
50'-150' AREA OF EXISTING NATURAL WOODLAND VEGETATION  
SEE SHEET C1 FOR SQUARE FOOTAGE CALCULATIONS

**SQUARE FOOTAGE WITHIN SIDE SETBACK**  
EXISTING GARAGE: 456 S.F.  
PROPOSED GARAGE: 241 S.F.  
REDUCTION OF 215 S.F.



NO.	DATE	REVISION	DESIGNED:	APPROVED:
			DLM	

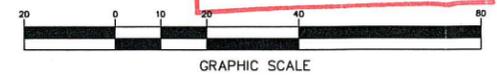
**LAKE SUNAPEE**  
WATER ELEV. 1092.15'  
4/10/18  
REFERENCE LINE  
ELEV. 1094.15



- LEGEND**
- LAKE REFERENCE LINE AND BUFFERS
  - BOUNDARY LINE
  - BOUNDARY TIE LINE
  - PROPERTY SETBACK LINE
  - CONTOURS
  - ⊕ TEMPORARY BENCH MARK
  - RETAINING WALL/STONEWALL
  - UTILITY POLE
  - OVERHEAD ELECTRICAL WIRES
  - ⊖ SEWER SHUTOFF
  - FENCE
  - GUY WIRE
  - ⊖ STUMP
  - DECIDUOUS TREE
  - CONIFEROUS TREE
  - TREELINE
  - SWALE
  - ⊖ UNDERDRAIN CLEANOUT
  - UNDERDRAIN
  - FM SEWER FORCEMAIN
  - SF SILT FENCE
  - STRAW WATTLE CHECK DAM

- PLAN NOTES**
- THE INTENT OF THIS PLAN IS TO SHOW PROPOSED SITE GRADING AND DRAINAGE AT TAX MAP 126 LOT 8 ON 61 LIGHTHOUSE RD IN NEW LONDON N.H.
  - OWNER OF RECORD/APPLICANT: MICHELLE GIBBS & MARC GIGUERE 92 DE VERE GDNS TORONTO, ON M5M 3G2 BOOK 3589 PAGE 1911
  - TAX MAP 126 LOT 8 LOT AREA: 38,220.5 SF 0.90 AC DEED REF. BK. 3240 PG. 157
  - PARCEL IS IN THE RESIDENTIAL (R2) ZONING DISTRICT FRONT SETBACK: 25' SIDE SETBACK: AGGREGATE OF 50' (MINIMUM OF 20') MAX. BUILDING HEIGHT: 34'
  - SHORELAND OVERLAY DISTRICT (250ft FROM LAKE REFERENCE LINE) NH DES BUILDING SETBACK: 50' (FROM REF. LINE) NEW LONDON STRUCTURE SETBACK: 60' (FROM REF. LINE) MAX IMPERVIOUS LOT AREA: 30%
  - REFER TO EXISTING CONDITIONS PLAN FOR SURVEY NOTES
  - REFER TO SITE PLAN C1 FOR MORE INFORMATION AND NOTES

**TOWN OF NEW LONDON  
SELECTMEN'S OFFICE**  
AUG 13 2019  
RECEIVED



**NH DES SHORELAND PERMIT**  
#2018-02188  
APPROVAL: AUG. 16, 2018 - EXPIRES: AUG. 16, 2023



THE LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. FUSS & O'NEILL MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UTILITIES SHOWN. 72 HOURS PRIOR TO ANY EXCAVATION ON SITE, THE CONTRACTOR SHALL CONTACT DIG-SAFE AT 1-888-DIG-SAFE.

**FUSS & O'NEILL**  
208 BILLINGS FARM ROAD, SUITE 6B  
WHITE RIVER JUNCTION, VT 05001  
802.698.0370  
www.fussandoneill.com

**MICHELLE GIBBS & MARC GIGUERE**  
92 DE VERE GDNS  
TORONTO, ON M5M 3G2

**TAX MAP 126 LOT 8  
61 LIGHTHOUSE VIEW ROAD  
NEW LONDON, NH**  
**PROPOSED GARAGE PLAN**

SCALE:	PROJECT NO.
1"=20'	2018-0190
DATE:	DWG. NO.
08/07/2019	<b>Z1</b>



TOWN OF  
NEW LONDON

JUL 30 2019

# Aerial

Tri Town, NH

1 inch = 75 Feet



July 9, 2019

www.cai-tech.com

PLANNING & ZONING



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# Lighthouse View Road

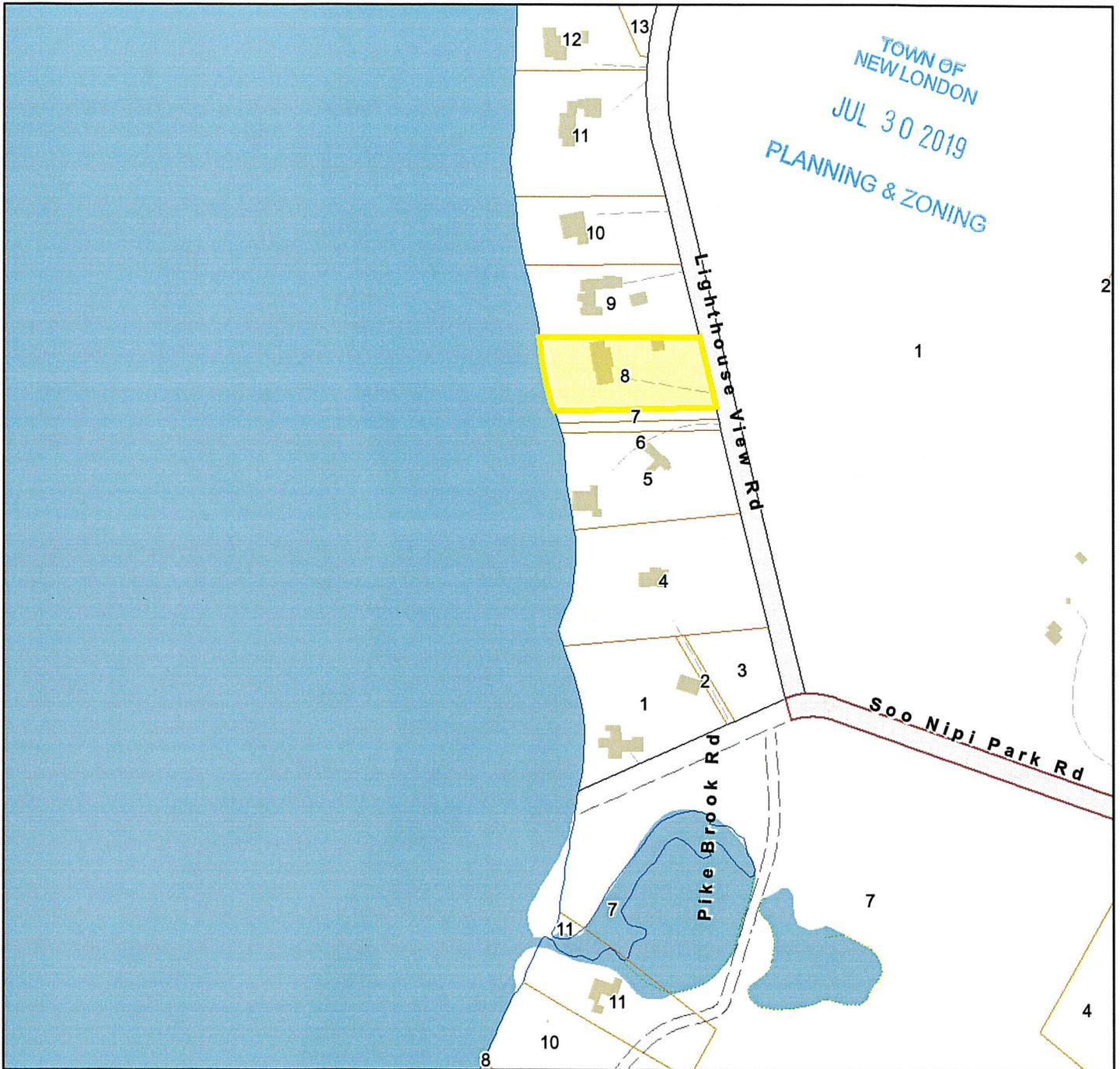
Tri Town, NH



July 9, 2019

1 inch = 274 Feet

www.cai-tech.com



Street Names	— WATER-P	New London Buildings
PROPERTYLINE	- - - DW	Right of Ways
ROAD-PVT	- - - ROAD-PVT-RW	New London Water-poly
ROAD-SCENIC	..... WETLAND	

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Giguere/Gibbs Existing Garage



Photo 1: face of old garage and new house in background



Photo 2: existing old garage



Photo 3: uphill side of old garage – retaining wall/ledge



Photo 4: back roof overhang of old garage

TOWN OF  
NEW LONDON

AUG 21 2019



Photo 1: Taken 4-11-18



Photo 2: Taken 4-11-18

TOWN OF  
NEW LONDON  
JUL 30 2019  
PLANNING & ZONING



Photo 3: Taken 4-11-18

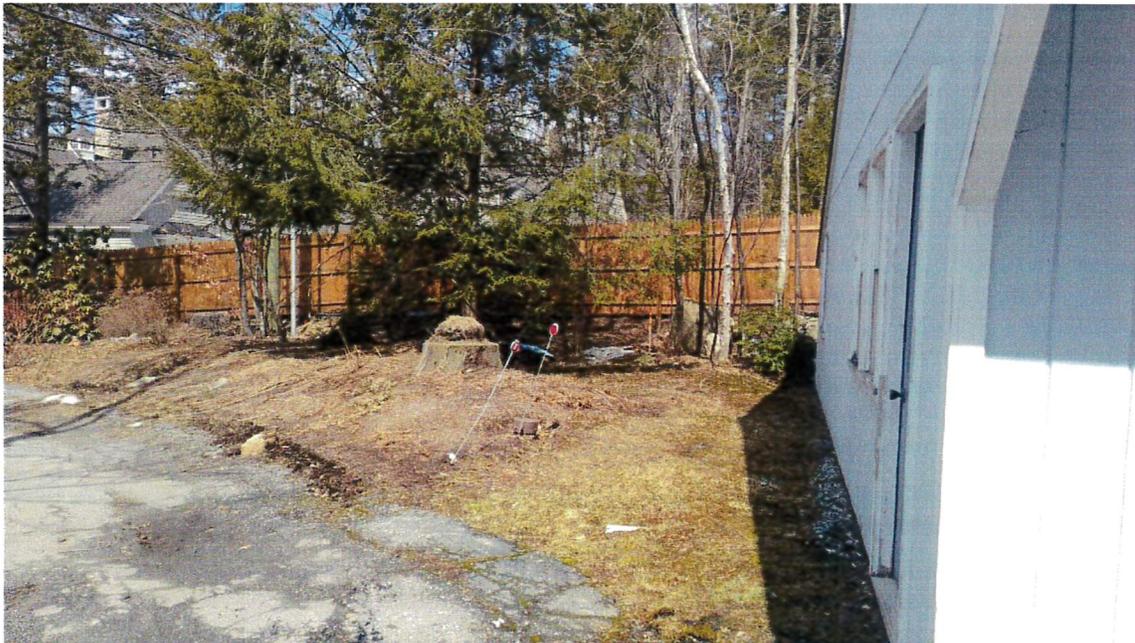


Photo 4: Taken 4-11-18

TOWN OF  
NEW LONDON  
JUL 30 2019  
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